

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MICHAEL SMITH,

Defendant.

INFORMATION

12 Cr.

12 CRIM 424

COUNT ONE

The United States Attorney charges:

1. From at least in or about May 2011, up to and including at least in or about November 2011, in the Southern District of New York and elsewhere, MICHAEL SMITH, the defendant, willfully and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation (the "FDIC"), and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, SMITH caused stolen and forged checks to be deposited into, and subsequently withdrawn from Chase Bank.

(Title 18, United States Code, Sections 1344 & 2.)

Judge McMahon

FORFEITURE ALLEGATION

2. As a result of committing the bank fraud offense alleged in Count One of this Information, MICHAEL SMITH, the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(2), any property constituting, or derived from, proceeds the defendant obtained directly or indirectly as a result of such violation.

Substitute Asset Provision

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982, and Title 21, United States

Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982(a)(2);
Title 21, United States Code, Section 853(p).)

Preet Bharara

PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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PREET BHARARA
United States Attorney.
